

Decision No. 44633

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into )  
the rates, rules, regulations, charges, )  
allowances, and practices of all common )  
carriers, highway carriers, and city )  
carriers relating to the transportation )  
of property. )

Case No. 4808

**ORIGINAL**

Appearances

Edward M. Berol and Frank Chandler, for Truck  
Owners' Association of California.

T. J. Champion, for Miles & Sons Trucking Service  
and for Motor Transport System.

John E. Doane, for Calaveras Cement Company.

W. G. Higgins, for Santa Cruz Portland Cement Company.

John H. Bosche and S. A. Moore, for Permanente Cement  
Company.

N. E. Keller, for Pacific Portland Cement Company.

Joseph T. Enright, Waldo A. Gillette, and Alfred L.  
Block, Jr., for Monolith Portland Cement Company.

J. Richard Townsend and Archie L. McCall, for  
California Portland Cement Company.

C. R. Boyer, for Southwestern Portland Cement Company.

Lauren M. Wright, for Riverside Cement Company.

SUPPLEMENTAL OPINION

This supplemental opinion relates to minimum rates, rules and regulations for the transportation of cement concerning which evidence has been received in public hearings held at Los Angeles and San Francisco. Oral argument on the issues has been had. This phase of the general proceeding is ready for decision.

The rates which are principally involved herein are those in Highway Carriers' Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended, in Case No. 4246) which are applicable to the transportation of cement in quantities of 38,000 pounds or more. The main

issues are (1) the sufficiency of the rates to provide reasonable compensation for the services involved, and (2) the propriety of the rules and regulations as they apply to cement traffic.<sup>1</sup>

Evidence in this phase of the proceeding was submitted by representatives of cement shippers and carriers and by a transportation engineer and a rate expert of the Commission's staff.

The record shows that cement in quantities of 38,000 pounds or more is shipped mainly from the mills. Mills in that part of the State north of the Tehachapi Mountains are at Redwood City, Permanente, Davenport, San Juan Bautista and Calaveras. In the south, mills are at Oro Grande, Victorville, Colton, Crestmore, and Monolith. Except with respect to shipments from Monolith, the movement of cement is almost wholly within the territories in which the mills are located. The mill at Monolith is near the dividing line between the territories; it ships considerable quantities of cement into each territory; from an economic standpoint it may be considered as located in both territories.<sup>2</sup>

The volume of the movement of cement from the mills is substantial. During 1946 it exceeded 4 million tons and during 1947 it exceeded 4½ million tons.<sup>3</sup> About half of this volume moved by truck, and, except for a small percentage which was transported by boat, the remainder moved by rail.

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The minimum rates applicable to movements of cement within the so-called drayage areas of San Francisco, Oakland, Los Angeles, and San Diego are also involved. Most of the cement which is transported by for-hire motor carriers, however, is subject to the rates in Highway Carriers' Tariff No. 2.

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The line of demarcation between the territories referred to herein is that prescribed in connection with the cement rates in Highway Carriers' Tariff No. 2. Generally speaking, it runs easterly from Gaviota along the Tehachapi Mountains to the California-Nevada state line.

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Later data are not of record.

Much of the cement is transported in bulk. According to the Commission engineer, bulk shipments account for about 60 percent of the total, the remainder being transported in sacks. Bulk shipments are favored because the cost of sacking is eliminated, resulting in a saving to the mills and a lower price for the purchasers.<sup>4</sup> The larger part of the for-hire transportation of cement in the northern part of the State is performed by two motor carriers. In the southern section the carriers are mainly owner-operators. Several of the mills, particularly those in southern territory, operate a considerable number of units of proprietary equipment in addition to engaging the services of for-hire carriers.

The Commission engineer testified concerning a study which he had made of the costs of transporting cement. In his study he developed costs for bulk shipments and sacked shipments separately. He said that in the course of his study all of the known larger carriers and many of the smaller carriers were interviewed. All of the cement mills in the State were visited. Performance data were obtained from actual checks of the physical operations involved and were related to financial data gathered from analyses of the carriers' records.

The witness stated that in developing his cost data he had found a rate of \$1.71 per hour as being the prevalent wage rate for drivers and that he had employed that figure in his calculations. Overhead expense was computed on the basis of a weighted average of the indirect expenses which were shown on the books of the various carriers. Loading and unloading costs were determined on the basis of a check of the carriers' performance, and include modifications to allow for an improvement in unloading time which the engineer believed the carriers could reasonably attain. The annual use factors of the

<sup>4</sup> A carrier witness estimated the proportion of bulk shipments to be 75 percent. He indicated that there is a continuing trend towards shipping in bulk.

vehicles were determined on the basis of fleet averages. Costs were developed, with certain adjustments, on the basis of 3,100 hours for the hopper-type vehicles used in transporting bulk cement and 2,800 hours for the vehicles used in transporting sacked cement. The carriers' average load factor was assumed to be 50 per cent. Assertedly, there is little opportunity for other than a one-way haul for carriers using hopper-type equipment. It was indicated that the transportation performed by carriers on their return trips from delivering cement in sacks is negligible in amount. Depreciation expense was computed on a service life of ten years, or in the alternative, in the case of trucks transporting cement in sacks, 750,000 miles.<sup>5</sup> The engineer said that in a number of instances he had found it difficult to make accurate cost determinations from the available data. Many of the cement carriers, particularly the smaller carriers, do not have adequate records. There are wide variations as between carriers in the recorded overhead expenses. There are substantial differences as among the carriers in their annual use factors (the total number of hours that the vehicles are operated during the year). He said that the wage rates paid to drivers in the southern section of the state are somewhat lower than in the north. On the other hand the lower wage rates in the south are offset by slower vehicle operating speeds because of greater traffic congestion. Because of the considerable differences in operating experience, the engineer explained, adjustments based upon judgment were necessarily made in the data to arrive at cost figures deemed to be representative.

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A twelve-year service life was used as the basis for depreciation for trailers used in transporting cement in sacks. The engineer also computed depreciation expense for the hopper-type vehicles which are used in transporting bulk cement on an assumed service life of five years. He asserted that the hopper vehicles are in a developmental stage and that future improvements are likely to make them obsolete before a ten-year service life would be realized.

The Commission rate expert introduced and explained a tariff containing proposed rates, rules and regulations to govern the transportation of cement. The rules and regulations, he said, were designed to conform to the specialized requirements of the cement industry as ascertained from interviews with cement companies and carriers. Under the proposals of the witness technical definitions of various tariff terms would be broadened. Mixed shipments of lime and cement at the cement rates would be allowed. Minimum charges per shipment would be computed on a minimum weight of not less than 36,000 pounds. Charges would be provided for equipment delays. Diversion of shipments in transit would be permitted. Split deliveries, not exceeding three per shipment, would also be permitted, subject to additional charges varying with the weight of each component part of the shipment. Charges on returned shipments would be assessed for the entire trip from point of origin and return at 150 percent of the charge established for the movement from point of origin to point of destination.

The rate witness proposed that lower rates apply within the southern section of the State than in the northern section or for interterritorial movements. He said that his rate proposals were based upon three main considerations: (a) The costs of the service; (b) the "going" rate level (the level of rates generally observed by the carriers); and (c) the financial condition of the carriers. He asserted that cost evidence which was received in another phase of this general proceeding shows that labor costs are less in the southern than in the northern territory. He stated that examination of carriers' and shippers' records disclosed that lesser going rates are being assessed in the south than in the north. The witness said that the financial data reflecting the operating results achieved by the carriers from the transportation of cement were "sketchy" for the

reason that the carriers who are engaged primarily in the transportation of cement are few and their records are generally inadequate; however, such information as he had obtained indicated that the financial condition of the northern carriers is better than those in the south.

With his proposal to establish a higher level of minimum rates in northern territory, the rate witness recommended that the present territorial boundaries be revised to bring all of Kern County within the southern section. He said that this proposal followed consideration of the marketing areas of the cement companies involved and represented an attempt to align the two territories in accordance with the areas in which the cement companies possess natural marketing advantages by reason of their locations. Assertedly, the recommended boundaries to a certain extent follow the rate-breaking points between the nearest competing mills.<sup>6</sup> This witness said that in selecting the proposed boundaries he had endeavored to avoid rate discrimination in favor of either the northern or the southern cement companies so as to effect, as nearly as possible, equality of opportunity in the areas where the companies are in active competition.

A tariff containing proposed rules and regulations to govern the transportation of cement was submitted also by the traffic manager of the Permanente Cement Company. He said that his company is the largest manufacturer of cement in California, and ships approximately 2,500 tons of cement per day by truck, five days a week. The proposed rules and regulations were modeled along the lines of the needs of his company, and reflect provisions of the contract in effect with its carrier. The rules of this witness are similar in some respects to

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The term "breaking point," as used by the witness, indicates the point between competing mills at which transportation charges on shipments of the same weight from either mill would be the same.

those advocated by the Commission rate expert and different in others. One major point of difference is in the definition of the northern and southern territories. The retention of the present boundaries between the northern and southern territories as defined in Highway Carriers' Tariff No. 2 was urged by the witness instead of relocating the boundary line along the northern boundary of Kern County. He said that the Permanente company competes in the Bakersfield market with the cement company at Monolith, and that it does not object to absorbing differences in costs, computed on a mileage basis, in making deliveries into Bakersfield, but it does not feel that a higher rate scale should be applied to shipments from its more distant mill.<sup>7</sup>

The witness recommended that the cement rates apply to cement flue dust and powdered limestone in addition to lime. He said that cement flue dust and powdered limestone, as well as lime, are shipped by his company with cement and that at present, where mixed shipments are involved, they are transported by proprietary equipment because of the fact that under present rules higher rates apply to the mixed shipments than to straight shipments of cement. He asserted that cement flue dust, powdered limestone, and lime can all be loaded to the capacity of the vehicles and that furthermore loading conditions with respect to these commodities are similar to those of cement. As did the Commission rate expert, the traffic manager proposed a rule providing for split delivery of shipments of cement and related commodities. The witness said that his company makes split-delivery shipments

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As indicated heretofore, under the proposal of the Commission rate expert a lower rate scale would apply from Monolith to points within Kern County whereas shipments from the northern mills would be subjected to the higher scale which would apply interterritorially. The distance from Permanente to Bakersfield was said to be 28<sup>4</sup> constructive miles as compared to 65 constructive miles from Monolith to Bakersfield.

when required, but in doing so it utilizes its own equipment rather than pay the higher class rates which are applicable under Highway Carriers' Tariff No. 2. In the interest of simplicity, he recommended a flat charge of \$3.00 for each component of split shipments other than the last one. Another point of particular difference between the proposals of this witness and those of the Commission witness relates to the charge for delays to carriers' equipment and to returned shipments. The traffic manager recommended that demurrage charges apply only for unloading delays for the reason that the carriers' equipment frequently is available for loading at the mills but is not actually delayed, due to the fact that drivers will arrive ahead of loading schedules in order to utilize the mills as a rest stop. The witness also proposed in effect that the present rule relating to returned shipments be retained with certain modifications in lieu of adoption of the more restrictive rule which the Commission rate expert recommended.

The traffic manager suggested that the same rate apply for transportation for distances from five to twenty miles. He explained that a large number of his company's customers are located from five to twenty miles from Permanente, that they are in active competition with one another, and that because of the competitive condition uniform rates within the indicated mileage brackets are desired. With respect to the general level of the rates to be prescribed, he recommended that they correspond with the going rates in order to preclude one cement company's obtaining competitive advantages over other companies through the medium of reduced rates.

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The proposal of the Commission rate witness would result in somewhat higher charges for returned shipments than apply under present rules which permit the return of shipments or portions thereof at 50 percent of the outbound rates applicable to the weights returning.



Counsel for The Truck Owners' Association of California, an association of motor carriers in northern California, supported the establishment of a specific commodity tariff governing the transportation of cement. Such a tariff, he said, should include rates, rules, and regulations based specifically upon transportation conditions in the northern section of the State. He said that if other conditions in southern California warrant different treatment, he had no objection to the prescription of different rates, rules, and regulations applicable thereto. The association representative declared that the rates which should be established as minima in the northern section should correspond to the going rates and should be the same for bulk cement as for sacked cement. He asserted that the present going rates in northern California are a result of bargaining between the shippers and carriers to arrive at reasonable rates under present conditions, and that recognition of this fact should be taken in order that the minimum rates be "realistic." Past experience, he said, has shown that if minimum rates are established at nearly the same level as the going rates, the minimum rates tend to become the going rates and he urged that the carriers in the northern area not be compelled to reduce their present rates as a result of the establishment of minimum rates which are less than those now being observed.

Evidence on behalf of the association was submitted by its traffic director who introduced an exhibit setting forth a scale of rates which he represented as being the going rates in the northern section of the State.<sup>9</sup> He said that these rates, with some exceptions, are those being charged by two of the cement carriers in the

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<sup>9</sup> These rates are somewhat higher than the rates which the Commission witness proposed for application within northern territory.

area who transport the larger proportion of the cement that is shipped by motor carriers in the northern territory. Representatives of the two carriers referred to by the traffic director corroborated his testimony as to the rates being generally charged by their companies. They said that lesser rates would not be profitable, and that they would not transport cement at rates generally less than those they are now charging.<sup>10</sup> They introduced exhibits to show that should the scale of rates proposed for the northern territory by the Commission rate expert be adopted they would suffer a reduction in revenue. According to the exhibit of one witness, the loss would exceed 5 percent on traffic transported within a radius of 150 constructive miles. The exhibit offered by the other witness indicates an over-all revenue reduction of 4.2 percent. Should the scale of rates be adopted and also should certain proposed changes be effected in the present constructive mileage scales, the witnesses computed that revenue reductions would result which range from 4 to 14 percent, depending upon the destinations of the shipments.<sup>11</sup>

The association's industrial relations director, who said that his duties are to negotiate agreements with various labor unions, introduced copies of contracts governing wage agreements with various locals of the Teamsters' union. According to these exhibits two wage rates are in effect. For so-called short-line operations (operations which require a truck driver to make a round trip without an intervening rest period) the wage rate in northern

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<sup>10</sup> According to the testimony of these two carrier witnesses, one of the companies is transporting cement principally for the Permanente Cement Company at Permanente and for the Santa Cruz Portland Cement Company at Davenport. The other company transports cement for the Pacific Portland Cement Company which has plants at Redwood City and San Juan Bautista.

<sup>11</sup> In a separate phase of this proceeding the matter of whether and to what extent revisions should be made in Distance Table No. 3- (Appendix "A" of Decision No. 31605, as amended in Case No. 4246) is under consideration.

California is \$1.56 per hour and in southern California it is \$1.57½ per hour. Overtime at the rate of time and one-half applies for time worked in excess of 8 hours per day. For the long-line operations, those requiring a rest period for the truck driver at other than at his home terminal, the hourly wage in both sections of the State is \$1.71. The witness said that these contracts apply to drivers employed in transporting general commodities, including cement. However, he did not know specifically whether the carriers serving the cement mills in the southern section of the State are actually operating under the particular contracts to which he referred.

A carrier who transports cement and other commodities in the southern part of the State presented evidence. He testified that most of his cement transportation is within a radius of 75 miles from Colton; that it is generally confined to localities where there are opportunities to obtain back hauls; and that back hauls are obtained for about 25 percent of the return trips. The witness said that all of the cement which he transports is in sacks. He stated that he owns no bulk trucks for the reason that they are specialized equipment and cannot be used on short notice for other purposes than hauling cement. Moreover, he was of the opinion that the present level of minimum rates is not sufficient to justify the investment required. The rates which he assesses are the same as the minimum rates. They assertedly are too low because of increases since 1946 in the costs of gasoline, labor, and taxes, and because of a reduction in equipment use factor as a result of a general reduction in working hours per week on the part of customers of the cement companies. This carrier witness believed that the present minimum rates

should be increased sufficiently to offset the increases in operating costs. Referring to the cost data which were developed by the Commission engineer, he said that such cost figures exceed those applicable to his operations. The rates which the Commission rate expert proposed were asserted to be too high in numerous instances.

The representatives of the several cement companies were all in agreement that a separate tariff should be established to show rates, rules, and regulations applicable specifically to cement. However, as to what the rules and regulations should provide, there were sharp divergences of opinion among the witnesses. Principal points of difference related to proposals to expand the application of the cement rates to include cement flue dust, powdered limestone and lime, and to permit split deliveries. Witnesses for the cement companies in the northern part of the State favored the proposals as conforming to trade requirements. On the other hand, witnesses for the southern cement companies vigorously opposed the suggestions. They argued that enlargement of the application of the cement rates to include other commodities would lead to rate increases for cement. For similar reasons they opposed split-delivery shipments. Also, they said that should mixed shipments and split deliveries be permitted, there would be a tendency to break down sales units below present lots of 38,000 pounds.

The representative of the Monolith company opposed proposals of the carrier association to make the so-called going rates the minimum rates throughout the northern section of the State. He contradicted the testimony of the association

witness that the going rates apply throughout northern territory and said that the rates which his company generally pays are the minimum rates. He was of the opinion that rates for the transportation of cement from Monolith should be consistent with the cost of the service and should not be governed by the level of rates observed by the northern mills. Evidence was introduced by the witness to show that the Monolith company enjoys a lower level of labor costs than those assertedly applying elsewhere in the northern territory. Should the going rates be adopted as the minimum rates in the northern territory, he advocated that the territory be redefined to include only that area north of San Luis Obispo, Kings, and Tulare Counties.

Witnesses of the other northern companies disagreed that the present boundaries of the northern territory should be revised in any manner, either as proposed by the Commission rate expert or by the Monolith witness, which would result in the application of a lower scale in the southern San Joaquin Valley area and in the coastal area between Gaviota and the northern boundary of San Luis Obispo County than would apply elsewhere in the territory. They asserted that these areas comprise an important segment of their markets and that the imposition of a lower rate scale to apply from Monolith or from cement mills in the southern territory would be discriminatory and would disturb the economic balance between the companies.<sup>12</sup>

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<sup>12</sup> A further territorial revision which was suggested by the Monolith witness is that Inyo and Mono Counties be included in southern territory for the reason that no practical route is available to these counties from the other mills in northern territory. This revision was not opposed by the northern companies. The representatives of the companies which operate cement mills at Crestmore, Oro Grande, and Victorville generally concurred in this and other territorial revisions urged by the Monolith witness.

Regarding the level of rates that should herein be established as minimum, the cement companies which serve the southern territory took the position that the present minimum rates should not be increased. Witnesses for those companies asserted that the minimum rates are being paid except where the transportation is of such nature as to justify higher rates. They were of the opinion that the present rates are sufficient as minimum rates. The witness for the cement company at Colton particularly opposed the scale of rates advocated by the Commission rate expert for application within southern territory. He submitted an exhibit to show that adoption of that scale would result in rate increases ranging from approximately 6 to 33 percent. He said that the increases which would apply to a substantial volume of his company's shipments would be between 20 percent and the maximum of 33 percent. According to this witness, his company engages in considerable proprietary transportation service, and rate increases of the volume proposed would result in expansion of the service. Moreover, the company's customers would tend to pick up more shipments with their own equipment. He believed that as a result present for-hire carriers would be in a less favorable earning position than they are under present rates. The Monolith witness said that his company has preferred the use of for-hire carriers in the past; however, he indicated that the extent that this policy would be continued would be largely influenced by future costs of for-hire service as compared to that by proprietary equipment. The traffic manager for the cement company at Kentucky House, in northern territory, also said that the extent that his company would use for-hire service in the

future would depend upon the level of the rates prescribed as minimum. He favored the rates which were proposed by the Commission rate witness over the higher rates sought by the carrier association. He asserted in effect that higher rates than those proposed by the Commission witness would result in greater use of proprietary vehicles. The traffic manager of the cement company having mills at Redwood City and San Juan Bautista also preferred the rate scale proposed by the Commission witness to that of the carrier association. He said that adoption of the association rate scale would result in rate increases for his company. He believed that minimum rates should be retained as such rather than be made to conform to going rate levels, in order to leave room for rate negotiations between shippers and carriers.

This proceeding is the first instance since cement commodity rates were established in 1942 in Highway Carriers' Tariff No. 2 that the reasonableness of the rates and the propriety of the rules and regulations applicable specifically to the transportation of cement in truckload quantities by highway carriers have been before the Commission. In June, 1946, the rates were increased 12 per cent in conformity with increases established in a general proceeding; otherwise they have not been altered. The figures which were developed by the Commission engineer show that the costs incurred in transporting either bulk cement or sacked cement are now substantially higher than the minimum rates. It is evident from the record herein that further increases in the rates are warranted.

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The costs which were reported by the Commission engineer for the transportation of bulk cement and sacked cement are nearly the same. Those for bulk cement are the lower of the two. Since the greater part of the movement of cement is in bulk form, it appears that primary consideration herein should be given to the costs applicable thereto.

Both of the rate scales which were proposed for northern territory conform generally to the engineer's costs for distances up to 200 miles, the distances within which the principal movements of cement by motor vehicle occur.<sup>14</sup> For distances beyond 200 miles the cost figures are about 15 percent higher than the rates. It would seem that the rates for distances in excess of 200 miles would not be profitable. However, in view of the testimony of the carrier association witnesses as to the compensatory nature of the going rate scale, it is concluded that the costs which are incurred in transporting cement over the longer distances are not as great as the engineer's figures indicate. In other respects the cost figures appear high. As shown by copies of wage contracts which were submitted in evidence, the wage costs used by the engineer in the development of his data are higher in some instances than those that apparently prevail. Moreover, a study of vehicle usage which was made by the traffic manager of the Pacific Portland Cement Company indicates a higher use factor (and corresponding lower costs) for an average distance of 45 miles than that which the engineer developed.

The rates which the Commission rate expert recommended appear to correspond more closely to the costs, adjusted as indicated, than do the going rates of the carrier association. With certain modifications they will be adopted as the minimum rates for northern territory.<sup>15</sup>

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The engineer's cost data which are mainly considered herein are those based upon estimated vehicle service lives of ten years. Although the engineer recommended a cost scale which was developed on the assumption that in five years obsolescence would cause the retirement of the hopper vehicles used in transporting bulk cement, it does not seem probable that the vehicles would be supplanted before the expiration of their normal service lives unless offsetting advantages are to be gained in the form of lower costs.

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The going rate scale, in and of itself, is not appropriate as a basis for minimum rates. Clearly, the fact that certain rates are agreed upon between some (but not all) shippers and carriers in a specified area is not grounds for a finding that the rates would be reasonable and nondiscriminatory as minimum rates in that area.



It appears that lower rates for southern territory than for northern territory are justified by evidence of lower labor costs and the proprietary competition faced by carriers in the south.<sup>16</sup> For these reasons also it appears that extension of the boundaries of southern territory to include all of Kern County is proper. With certain adjustments to give recognition to the factor of proprietary competition and to give effect to modifications in the underlying cost data which have been discussed hereinbefore, the rate and territorial proposals of the rate witness regarding southern territory will be generally followed.<sup>17</sup>

Much testimony and argument was received concerning proposals to limit the application of lower rates for southern territory to shipments delivered within that territory. The nature of the traffic being considered, it is apparent that any undertaking to impose territorial limitations which do not reflect differences in cost will encourage the diversion of traffic to proprietary transportation.<sup>18</sup> In recognition of this fact, the rates which are prescribed herein will not be limited as to destinations but will be made to apply within or from specified origin territories in order that there be a logical relationship between the rates and the costs of the transportation service performed.

It was proposed that the rates herein established apply from wherever cement in truckload quantities is shipped. Only a small proportion of the truckload shipments assertedly originates at

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<sup>16</sup> Although the lower costs assertedly are offset by lower vehicle speeds on account of traffic congestion, the effect of traffic congestion is considered in adjusting the constructive mileages which are used as the basis for determining the rates applicable to specific shipments. Having been so considered, it should not be given weight herein also.

<sup>17</sup> The lower rates which the witness proposed would apply for distances up to 300 constructive miles, at which point he recommended that the same rates apply for both northern and southern territory. It appears that the costs do not justify lower rates for southern territory for distances beyond 200 constructive miles.

<sup>18</sup> Minor rate differences may be sufficient to impel a cement shipper to elect to transport its own shipments. As compared to a proprietary transportation operation a for-hire carrier transporting cement under present conditions enjoys only a small advantage, if any, in the form of lower costs per unit of transportation service.

points other than cement mills, bulk cement storage and bulk cement loading facilities. In view of the need expressed both by carriers' and shippers' representatives for a single tariff containing all of the minimum rates applicable to shipments of cement in truckload quantities, it is concluded that the rates should apply without restriction as to point of origin of the shipments.

The record is clear that the transportation of cement in truckload lots is a specialized type of service. It appears that the minimum rates, rules and regulations which are hereinafter prescribed should apply wherever such transportation is performed, including transportation within incorporated cities or other areas where minimum rates have not been established heretofore. Where different rates, rules and regulations apply under other minimum rate tariffs of the Commission, such tariffs should be appropriately amended.

In accordance with proposals that rules be established to permit split deliveries and to permit the shipment of lime, cement flue dust and powdered limestone at the applicable rates for cement, such rules will be provided. Application of the cement rates to lime, cement flue dust and powdered limestone will be limited to instances where these commodities are shipped in mixed shipments with cement, since it appears that the principal movements which are involved are incidental to and in conjunction with the transportation of cement. Moreover, the costs applicable to the transportation of lime, cement flue dust and powdered limestone in straight truckload shipments were not fully developed on the record. Rules permitting split deliveries and mixed shipments within or from the southern territory will not be provided since no necessity therefor has been shown.

Detailed discussion of the various minor proposals herein is not necessary. Included in this group are the proposals relating

to revision of southern territory to include Inyo and Mono Counties, to minimum charges per shipment, to charges for delays to equipment, for returned shipments, for split deliveries, and for services performed under the alternative application of common carrier rates. Each has been considered carefully. The Commission's conclusions and findings with respect thereto will be given effect in the order which follows.

Rates, rules and regulations have been developed herein which are reasonable and nondiscriminatory as minimum rates, rules and regulations for the transportation of cement and other specified commodities by motor vehicles over the public highways. Radial highway common carriers and highway contract carriers, as defined in the Highway Carriers' Act, and carriers, as defined in the City Carriers' Act, will be required to observe such rates, rules and regulations as the minimum basis for their charges. To the extent that common carriers as defined in the Public Utilities Act are maintaining, observing, and assessing lower rates, rules and regulations for the transportation of cement and related commodities over the public highways, such rates, rules and regulations are deemed to be unreasonable and insufficient and not justified by the rates of competing carriers or the cost of other means of transportation. Said common carriers will be required to amend their tariffs so as to maintain, observe and assess rates, rules and regulations no lower in volume and effect than those herein established as minimum.

It was urged by some shipper and carrier representatives that decision herein be deferred until issuance of the Commission's order in its review of the milcages in Distance Table No. 3, so that appropriate consideration may be given to any revisions in the distances upon which the rates are based. However, as the record herein shows, the present cement commodity rates are substantially below

costs. There appear no good reasons for withholding justified rate adjustments pending possible future mileage or other revisions. Should changed conditions warrant further consideration of the rates, rules and regulations prescribed herein, interested parties may bring the matter to the Commission's attention.

### F I N D I N G S

Upon careful consideration of all of the facts and circumstances of record the Commission is of the opinion and finds:

1. That, except as provided in Findings Nos. 3 and 4, the rates, charges, accessorial charges, rules and regulations set forth in the tariff designated as Appendix "A" of the order herein are and will be for the future just, reasonable and nondiscriminatory minimum rates, charges, and accessorial charges to be assessed, charged and collected, and just, reasonable and nondiscriminatory rules and regulations to be observed in applying such rates, charges and accessorial charges, by all radial highway common carriers, highway contract carriers and city carriers.
2. That the basis for computing and constructively increasing highway mileages, prescribed by the Commission in Decision No. 31605 of December 27, 1938, as amended, in Case No. 4088 (Part "N"), Case No. 4145 and Case No. 4246, modified as provided in said tariff designated as Appendix "A" of the order herein, is and will be for the future just, reasonable and nondiscriminatory for use in applying mileage rates set forth in said tariff and should be adopted for that purpose.
3. That, subject to the terms and conditions of Items Nos. 150, 160 and 170 of said tariff designated as Appendix "A" of the order herein, all radial highway common carriers, highway contract carriers and city carriers should be authorized to assess, charge and collect rates, charges and accessorial charges of common carriers, lawfully on file with this Commission and in effect on the date of movement, to construct combinations therewith, and to observe the ratings, rules and regulations governing the common carrier rate, charge or accessorial charge used, whenever such rates, charges and accessorial charges, or combinations therewith, applied (subject to their governing ratings, rules and regulations) produce lower aggregate charges than would accrue for the same transportation under the rates, rules and regulations found just, reasonable and nondiscriminatory in Findings Nos. 1 and 2.

4. That all carriers authorized on the effective date of the rates herein established, under the provisions of Section 11 of the Highway Carriers' Act or Section 10 of the City Carriers' Act, to transport property at lesser rates or charges than those heretofore established in this proceeding, should be authorized to continue such transportation under the conditions and for the durations of the periods of time specified in the orders granting such authorities, but in no event for a period in excess of one (1) year from the effectiveness of the rates or charges provided by the order herein unless said authorities are extended by further order of the Commission.
5. That, except as provided by Findings Nos. 3 and 4, all radial highway common carriers, highway contract carriers and city carriers should be required to assess, charge and collect, for the transportation or accessorial services to which said tariff designated as Appendix "A" of the order herein is applicable, rates, charges and accessorial charges no lower in volume or effect than those set forth or referred to in said tariff, and to observe rules and regulations no lower in volume or effect than those set forth or referred to therein.
6. That, except as provided in Finding No. 7, the existing ratings, rates, charges, rules, regulations and accessorial charges maintained by common carriers, as defined in the Public Utilities Act, for intrastate transportation over the public highways within California, and for accessorial services incidental thereto, are and will for the future be unreasonable, insufficient and not justified by the actual competitive rates of competing carriers or by the cost of other means of transportation, insofar as they are lower in volume or effect than those set forth in the tariff designated as Appendix "A" of the order herein for the performance of the same transportation and the same accessorial services by radial highway common carriers, highway contract carriers and city carriers.
7. That the common carriers referred to and described in Finding No. 6 should be authorized to assess, charge and collect rates, charges and accessorial charges maintained by common carriers by railroad or by express carriers employing common carriers by railroad as underlying carriers, and to observe the ratings, rules and regulations governing the common carrier rate, charge or accessorial charge used, in the same manner as herein found justified for radial highway common carriers, highway contract carriers and city carriers in Finding No. 3, subject to the terms and conditions of Items Nos. 150, 160 and 170 of said tariff designated as Appendix "A" of the order herein.

8. That, except as provided in Findings Nos. 6 and 7, rates, charges, rules, regulations and accessorial charges no lower in volume or effect than those set forth in said tariff designated as Appendix "A" of the order herein will be "just, reasonable and sufficient" for the transportation by common carriers referred to and described in Finding No. 6.
  
9. That all common carriers as defined in the Public Utilities Act, radial highway common carriers and highway contract carriers as defined in the Highway Carriers' Act, and carriers as defined in the City Carriers' Act which are engaged in transportation over the public highways in California of the commodities specified in the tariff designated as Appendix "A" of the order herein, should be required to issue a shipping document for each shipment received for transportation, or a shipping document in manifest form for all shipments received from one shipper at one time and at one place, showing thereon the names of the shipper and each consignee, the point of origin and point of destination of each shipment, a description of each shipment, the rate and charge assessed, and such other information respecting each of the factors entering into the computation of the charge as may be necessary in conjunction with the tariff designated as Appendix "A" hereto, or said tariff as it may hereafter be modified, to verify the lawfulness of such charge, provided that said shipping documents in manifest form may be issued to the shipper without all of the required information, when supplemented by the issuance to the consignees of freight bills or delivery receipts and freight bills containing the required information not shown on said shipping documents in manifest form; that a copy of each of such shipping documents, delivery receipts and freight bills should be retained and preserved by the carriers for reference and subject to the Commission's inspection, for a period of not less than three (3) years from the date of its issuance; and that the form of shipping document set forth in said tariff designated as Appendix "A" hereto will be suitable and proper.

O R D E R

Based upon the evidence of record, and upon the conclusions and findings set forth in the preceding opinion,

IT IS HEREBY ORDERED:

1. That the rates, rules and regulations set forth in the tariff designated as Appendix "A", which by this reference is incorporated in and made a part

of this order, be and they are hereby established and approved, effective September 15, 1950, as the just, reasonable and nondiscriminatory minimum rates, charges and accessorial charges to be assessed, charged and collected and the rules and regulations to be observed by any and all radial highway common carriers and highway contract carriers as defined in the Highway Carriers' Act and carriers as defined in the City Carriers' Act for the transportation of the property and commodities and between the points for which rates and charges are provided in said tariff designated as Appendix "A" hereto, and for accessorial services rendered incident thereto, except as provided in ordering paragraphs Nos. 3 and 4.

2. That subject to exceptions in the tariff designated as Appendix "A" hereto the basis for constructively increasing highway mileages prescribed by the Commission in Decision No. 31605 of December 27, 1938, as amended, in Case No. 4088 (Part "N"), Case No. 4145, and Case No. 4246, be and it is hereby adopted, established and approved as the just, reasonable and nondiscriminatory basis for computing mileages for use in applying mileage rates set forth in said tariff.
3. That all radial highway common carriers and highway contract carriers as defined in the Highway Carriers' Act and carriers as defined in the City Carriers' Act be and they are hereby authorized to assess, collect and charge common carrier rates and accessorial charges, and to observe common carrier rules and regulations, on file with the Commission and in effect on the date of shipment, subject to the terms and conditions and in the manner explained in Finding No. 3 of the preceding opinion and in Items Nos. 150, 160 and 170 of said tariff designated as Appendix "A" hereto.
4. That carriers heretofore authorized under the provisions of Section 10 of the City Carriers' Act, or Section 11 of the Highway Carriers' Act, to transport property at lesser rates or charges than those established as minimum by outstanding orders of the Commission, which rates are changed or carried forward by this order, be and they are hereby authorized to continue such transportation under the conditions and for the duration of the periods specified in the orders granting such authorities, but in no event for a period in excess of one (1) year from the effectiveness of the rates provided herein unless said authorities are extended by further order of the Commission.
5. That all radial highway common carriers and highway contract carriers as defined in the Highway Carriers' Act and all carriers as defined in the City Carriers' Act be and they are hereby ordered

and directed to cease and desist on September 15, 1950, and thereafter abstain from assessing, charging or collecting rates, charges or accessorial charges lower in volume or effect than those set forth or referred to in said tariff designated as Appendix "A" hereto, and from observing rules or regulations lower in volume or effect than those set forth or referred to therein, except as provided in ordering paragraphs Nos. 3 and 4.

6. That all common carriers as defined in the Public Utilities Act maintaining rates, charges, rules or regulations found by Finding No. 6 in the preceding opinion to be unreasonable, insufficient and not justified by the actual competitive rates of competing carriers or by the cost of other means of transportation, be and they are hereby ordered and directed to cancel said rates, charges, rules and regulations on September 15, 1950, on not less than five (5) days' notice to the Commission and to the public, and to establish in their stead rates, charges, rules and regulations no lower in volume or effect than those found reasonable or sufficient or justified by Findings Nos. 6, 7 and 8 in the opinion preceding this order.
7. That all common carriers as defined in the Public Utilities Act be and they are hereby ordered and directed to cease and desist on September 15, 1950, and thereafter abstain from publishing or maintaining in their tariffs rates, charges, accessorial charges, rules or regulations lower in volume or effect than those found reasonable or sufficient or justified by Findings Nos. 6, 7 and 8 in the opinion preceding this order.
8. That all common carriers as defined in the Public Utilities Act, radial highway common carriers and highway contract carriers as defined in the Highway Carriers' Act, and carriers as defined in the City Carriers' Act which are engaged in transportation over the public highways in California of the commodities specified in the tariff designated as Appendix "A" of the order herein, be and they are and each of them is hereby ordered and directed to issue a shipping document for each shipment received for transportation, or a shipping document in manifest form for all shipments received from one shipper at one time and at one place, showing thereon the names of the shipper and each consignee, the point of origin and point of destination of each shipment, a description of each shipment, the rate and charge assessed, and such other information respecting each of the factors entering into the computation of the charge as may be necessary in conjunction with the tariff designated as Appendix "A" hereto, or said tariff as it may hereafter be modified, to verify the lawfulness of such charge, provided that said shipping documents in manifest form may be issued to the shipper without all of the required information, when supplemented by the issuance to the consignees of freight bills or delivery



receipts and freight bills containing the required information not shown on said shipping documents in manifest form; shall retain and preserve a copy of each of such shipping documents, delivery receipts and freight bills, subject to the Commission's inspection, for a period of not less than three (3) years from the date of its issuance; the form of shipping document set forth in said tariff designated as Appendix "A" hereto will be deemed suitable and proper.

9. That tariff publications herein required to be made by common carriers as a result of this order shall be made effective not earlier than September 15, 1950.
10. That tariff publications herein required to be made by common carriers may be made effective on less than thirty (30) days' notice, but shall not be made effective on less than five (5) days' notice to the Commission and to the public.

The effective date of this order shall be thirty (30) days after the date hereof.

Dated at San Francisco, California, this 8th day of August, 1950.

Justus J. Cameron  
Dean H. Lawrence  
Harold H. Kula  
Herbert H. Pottier  
Commissioners

APPENDIX "A"

of

DECISION NO. 44633

In Case No. 4808

Issued by

THE PUBLIC UTILITIES COMMISSION

of the

STATE OF CALIFORNIA

Consisting of a Tariff naming minimum rates,  
rules and regulations for the transportation  
of property between points within California

by

CITY CARRIERS

RADIAL HIGHWAY COMMON CARRIERS

and

HIGHWAY CONTRACT CARRIERS

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CITY CARRIERS' TARIFF NO. 8

HIGHWAY CARRIERS' TARIFF NO. 10

Naming

DISTANCE MINIMUM RATES

Also

RULES AND REGULATIONS

For the

TRANSPORTATION OF CEMENT AND OTHER COMMODITIES

OVER THE PUBLIC HIGHWAYS

Within the

S T A T E O F C A L I F O R N I A

By

CITY CARRIERS

RADIAL HIGHWAY COMMON CARRIERS

And

HIGHWAY CONTRACT CARRIERS

The original tariff contains rates, rules and regulations established by Decision No. 44533 in Case No. 4808. Changes will be made by issuing revised or added pages, or by issuing supplements.

EFFECTIVE SEPTEMBER 15, 1950

Issued by the  
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
State Building, Civic Center  
San Francisco, California

## CORRECTION NUMBER CHECKING SHEET

This tariff is issued in loose-leaf form. All added and revised pages will be numbered consecutively in the lower left hand corner. These correction numbers should be checked below on this checking sheet before pages are filed in tariff.

## CORRECTION NUMBERS

|    |    |    |     |     |     |     |
|----|----|----|-----|-----|-----|-----|
| 1  | 31 | 61 | 91  | 121 | 151 | 181 |
| 2  | 32 | 62 | 92  | 122 | 152 | 182 |
| 3  | 33 | 63 | 93  | 123 | 153 | 183 |
| 4  | 34 | 64 | 94  | 124 | 154 | 184 |
| 5  | 35 | 65 | 95  | 125 | 155 | 185 |
| 6  | 36 | 66 | 96  | 126 | 156 | 186 |
| 7  | 37 | 67 | 97  | 127 | 157 | 187 |
| 8  | 38 | 68 | 98  | 128 | 158 | 188 |
| 9  | 39 | 69 | 99  | 129 | 159 | 189 |
| 10 | 40 | 70 | 100 | 130 | 160 | 190 |
| 11 | 41 | 71 | 101 | 131 | 161 | 191 |
| 12 | 42 | 72 | 102 | 132 | 162 | 192 |
| 13 | 43 | 73 | 103 | 133 | 163 | 193 |
| 14 | 44 | 74 | 104 | 134 | 164 | 194 |
| 15 | 45 | 75 | 105 | 135 | 165 | 195 |
| 16 | 46 | 76 | 106 | 136 | 166 | 196 |
| 17 | 47 | 77 | 107 | 137 | 167 | 197 |
| 18 | 48 | 78 | 108 | 138 | 168 | 198 |
| 19 | 49 | 79 | 109 | 139 | 169 | 199 |
| 20 | 50 | 80 | 110 | 140 | 170 | 200 |
| 21 | 51 | 81 | 111 | 141 | 171 | 201 |
| 22 | 52 | 82 | 112 | 142 | 172 | 202 |
| 23 | 53 | 83 | 113 | 143 | 173 | 203 |
| 24 | 54 | 84 | 114 | 144 | 174 | 204 |
| 25 | 55 | 85 | 115 | 145 | 175 | 205 |
| 26 | 56 | 86 | 116 | 146 | 176 | 206 |
| 27 | 57 | 87 | 117 | 147 | 177 | 207 |
| 28 | 58 | 88 | 118 | 148 | 178 | 208 |
| 29 | 59 | 89 | 119 | 149 | 179 | 209 |
| 30 | 60 | 90 | 120 | 150 | 180 | 210 |

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.

## ARRANGEMENT OF TARIFF

This is a loose-leaf tariff arranged as follows:

Section No. 1 - Rules and Regulations

Section No. 2 - Rates

Section No. 3 - Form of Shipping Document

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Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.

SECTION NO. 1  
RULES AND REGULATIONS

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

Issued by the Public Utilities Commission of the State of California  
San Francisco, California.

| SECTION NO. 1 - RULES AND REGULATIONS  | Item No. |
|--|----------|
| <p style="text-align: center;">DEFINITIONS</p> <p>(a) CARRIER means a carrier, as defined in the City Carriers' Act (Chapter 312, Statutes of 1935, as amended), or a radial highway common carrier or a highway contract carrier, as defined in the Highway Carriers' Act (Chapter 223, Statutes of 1935, as amended).</p> <p>(b) COMMISSION means the Public Utilities Commission of the State of California.</p> <p>(c) COMMON CARRIER RATE means any intrastate rate or rates of any common carrier, or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment; also any interstate rate of any common carrier railroad or railroads applying between points in California via an interstate or foreign route, lawfully in effect at time of shipment.</p> <p>(d) DISTANCE TABLE NO. 3 means Distance Table No. 3 (Appendix "A" of Decision No. 31605, as amended, in Case No. 4088, Part "N", Case No. 4145 and Case No. 4246) issued by the Commission, supplements thereto and subsequent issues thereof.</p> <p>(e) MOTOR VEHICLE means any motor truck, tractor or other self-propelled highway vehicle used for transportation of property over the public highways, and any trailer, semi-trailer, dolly or other vehicle drawn thereby.</p> <p>(f) POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent, except that (1) all locations within a radius of 50 feet from a single point, and (2) all locations on the property of a single consignee within a radius of 300 feet from a single point will be considered as one point of destination.</p> <p>(g) POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor or his agent into the custody of the carrier for transportation, except that (1) all locations within a radius of 50 feet from a single point, and (2) all locations on the property of a single consignor within a radius of 300 feet from a single point will be considered as one point of origin.</p> <p>(h) RAILHEAD means a point at which facilities are maintained for the loading of property into or upon, or the unloading of property from, rail cars or vessels.</p> <p>(i) RATE includes charge and, also, the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p>(j) SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, but not necessarily in an identical type of equipment.</p> <p>(k) SHIPMENT means a quantity of property tendered for transportation to one carrier at one time on one shipping document by: (See Note)</p> <p style="padding-left: 2em;">(1) one shipper at one point of origin for one consignee at one point of destination; or</p> <p style="padding-left: 2em;">(2) one shipper at one point of origin for one consignee at more than one point of destination, or for more than one consignee at one or more points of destination (split delivery).</p> <p>NOTE:--The entire shipment need not be transported on one vehicle at one time.</p> <p>(l) UNIT OF EQUIPMENT means one or more motor vehicles (as herein defined) physically connected so as to form a complete unit.</p> | 10       |
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| SECTION NO. 1 - RULES AND REGULATIONS (Continued)   |  | Item No.   |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |
|---|--|--|--|--|--|-----------|-----------|---------------------------|-----------|-----------|------------------|-----------|-----------|------|-----------|------------|------|-----------|------------|------|------------|------------|---------------------|------------|------------|----|
| <p style="text-align: center;">APPLICATION OF RATES</p> <p>Rates provided in this tariff are for the transportation of shipments from point of origin to point of destination, and include the services of the driver only for loading into and unloading from carrier's motor vehicle.</p>   |  | 20   |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |
| <p style="text-align: center;">APPLICATION OF TARIFF - CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the City Carriers' Act (Chapter 312, Statutes of 1935, as amended), and the Highway Carriers' Act (Chapter 223, Statutes of 1935, as amended). They apply for the transportation of property by carriers as defined in said City Carriers' Act, and radial highway common carriers and highway contract carriers, as defined in said Highway Carriers' Act.</p> <p>When property in continuous through movement is transported by two or more such carriers, the rates (including minimum charges) provided herein shall be the minimum rates for the combined transportation.</p> <p>City carriers, radial highway common carriers, and highway contract carriers may deviate from the minimum rates named in this tariff in connection with the transportation of property for the armed forces of the United States.</p>   |  | 30   |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |
| <p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>Rates in this tariff apply for the transportation of Cement, hydraulic, masonry, natural or Portland, in bulk or in packages.</p> <p>Rates in this tariff apply also to the following commodities when shipped in mixed shipments with cement in packages and when the shipments originate in Northern Territory as defined in Item No. 80 series:</p> <p style="margin-left: 40px;">Lime, common, including magnesium lime, hydrated or hydraulic, quick or slaked, in packages;<br/>Cement flue dust, in packages; and/or<br/>Limestone, powdered, in packages.</p>   |  | 40   |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |
| <p style="text-align: center;">COMPUTATION OF DISTANCES</p> <p>Distances to be used in connection with distance rates named herein shall be the shortest resulting mileage via any public highway route computed in accordance with the method provided in Distance Table No. 3.</p>  |  | 50   |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |
| <p style="text-align: center;">COMPUTATION OF CHARGES - WEIGHTS</p> <p>Except as herein provided, charges shall be assessed on the gross weight of the shipment. On shipments packed in cloth or 4, 5, or 6 ply paper bags or sacks the following applies:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Commodity</u></th> <th style="text-align: center;"><u>When the Packed Net Weight per Package is</u></th> <th style="text-align: center;"><u>Charges Will be Assessed on Gross Weight per Package of</u></th> </tr> </thead> <tbody> <tr> <td>Cement, hydraulic, natural or Portland</td> <td style="text-align: center;">94 pounds</td> <td style="text-align: center;">95 pounds</td> </tr> <tr> <td>Cement, masonry or mortar</td> <td style="text-align: center;">70 pounds</td> <td style="text-align: center;">71 pounds</td> </tr> <tr> <td>Cement flue dust</td> <td style="text-align: center;">84 pounds</td> <td style="text-align: center;">85 pounds</td> </tr> <tr> <td>Lime</td> <td style="text-align: center;">50 pounds</td> <td style="text-align: center;">50½ pounds</td> </tr> <tr> <td>Lime</td> <td style="text-align: center;">60 pounds</td> <td style="text-align: center;">60½ pounds</td> </tr> <tr> <td>Lime</td> <td style="text-align: center;">100 pounds</td> <td style="text-align: center;">101 pounds</td> </tr> <tr> <td>Limestone, powdered</td> <td style="text-align: center;">100 pounds</td> <td style="text-align: center;">101 pounds</td> </tr> </tbody> </table> |  | <u>Commodity</u>   | <u>When the Packed Net Weight per Package is</u> | <u>Charges Will be Assessed on Gross Weight per Package of</u> | Cement, hydraulic, natural or Portland | 94 pounds | 95 pounds | Cement, masonry or mortar | 70 pounds | 71 pounds | Cement flue dust | 84 pounds | 85 pounds | Lime | 50 pounds | 50½ pounds | Lime | 60 pounds | 60½ pounds | Lime | 100 pounds | 101 pounds | Limestone, powdered | 100 pounds | 101 pounds | 60 |
| <u>Commodity</u>  | <u>When the Packed Net Weight per Package is</u> | <u>Charges Will be Assessed on Gross Weight per Package of</u> |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |
| Cement, hydraulic, natural or Portland  | 94 pounds  | 95 pounds  |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |
| Cement, masonry or mortar   | 70 pounds  | 71 pounds  |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |
| Cement flue dust  | 84 pounds  | 85 pounds  |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |
| Lime  | 50 pounds  | 50½ pounds   |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |
| Lime  | 60 pounds  | 60½ pounds   |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |
| Lime  | 100 pounds                                       | 101 pounds   |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |
| Limestone, powdered   | 100 pounds                                       | 101 pounds   |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |
| EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE   |  |  |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |
| Issued by the Public Utilities Commission of the State of California,<br>San Francisco, California.   |  |  |  |  |  |           |           |                           |           |           |                  |           |           |      |           |            |      |           |            |      |            |            |                     |            |            |    |



| SECTION NO. 1 - RULES AND REGULATIONS (Continued)  | Item No.  |   |  |  |   |   |  |     |    |                                 |    |    |     |
|--|---|---|--|--|---|---|--|-----|----|---------------------------------|----|----|-----|
| <p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL</p> <p>Rates in this tariff apply for the transportation of commodities named in Item No. 40 series between all points within the State of California.</p>  | 70  |   |  |  |   |   |  |     |    |                                 |    |    |     |
| <p style="text-align: center;">TERRITORIAL DESCRIPTIONS</p> <p>NORTHERN TERRITORY includes all points north of the following boundary line: Beginning at a point on the shore line of the Pacific Ocean due south of Gaviota, thence northeasterly along an imaginary straight line to the junction point of Santa Barbara, Ventura and Kern County boundaries, northerly and westerly along the westerly boundary of Kern County to the junction point of Kern, San Luis Obispo and Kings Counties, thence easterly along the northerly boundary lines of Kern and San Bernardino Counties to the California-Nevada boundary line.</p> <p>SOUTHERN TERRITORY includes all points south of the southern boundary line of northern territory.</p>   | 80  |   |  |  |   |   |  |     |    |                                 |    |    |     |
| <p style="text-align: center;">MINIMUM CHARGE</p> <p>The minimum charge per shipment shall be the charge for 38,000 pounds at the applicable rate.</p>   | 90  |   |  |  |   |   |  |     |    |                                 |    |    |     |
| <p style="text-align: center;">ACCESSORIAL SERVICES</p> <p>When carrier performs any accessorial or incidental service which is not authorized to be performed under rates named in this tariff, and for which a charge is not otherwise provided, additional charges shall be assessed as follows:</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th colspan="2" style="text-align: center;"><u>Charges In Cents</u></th> </tr> <tr> <th></th> <th style="text-align: center;"><u>For First<br/>30 Minutes<br/>or Fraction<br/>Thereof</u></th> <th style="text-align: center;"><u>For Each<br/>Additional<br/>15 Minutes<br/>or Fraction<br/>Thereof</u></th> </tr> </thead> <tbody> <tr> <td>(a) For Driver, Helper, or other employee, per man .....</td> <td style="text-align: center;">100</td> <td style="text-align: center;">50</td> </tr> <tr> <td>(b) For Unit of Equipment .....</td> <td style="text-align: center;">50</td> <td style="text-align: center;">25</td> </tr> </tbody> </table> <p>The charge for unit of equipment shall apply whenever the accessorial or incidental service requires its use, or whenever the unit of equipment is inactivated by reason of its driver or helper being engaged in such service.</p> |   | <u>Charges In Cents</u>   |  |  | <u>For First<br/>30 Minutes<br/>or Fraction<br/>Thereof</u> | <u>For Each<br/>Additional<br/>15 Minutes<br/>or Fraction<br/>Thereof</u> | (a) For Driver, Helper, or other employee, per man ..... | 100 | 50 | (b) For Unit of Equipment ..... | 50 | 25 | 100 |
|  | <u>Charges In Cents</u>                                     |   |  |  |   |   |  |     |    |                                 |    |    |     |
|  | <u>For First<br/>30 Minutes<br/>or Fraction<br/>Thereof</u> | <u>For Each<br/>Additional<br/>15 Minutes<br/>or Fraction<br/>Thereof</u> |  |  |   |   |  |     |    |                                 |    |    |     |
| (a) For Driver, Helper, or other employee, per man .....   | 100   | 50  |  |  |   |   |  |     |    |                                 |    |    |     |
| (b) For Unit of Equipment .....  | 50  | 25  |  |  |   |   |  |     |    |                                 |    |    |     |
| <p style="text-align: center;">DIVERTED SHIPMENTS</p> <p>Charges upon shipments diverted at request of consignor or consignee shall be assessed upon the basis of the charge established for the constructive mileage applicable via the point or points where diversion occurs, subject to Item No. 100 series.</p>   | 110   |   |  |  |   |   |  |     |    |                                 |    |    |     |
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| SECTION NO. 1 - RULES AND REGULATIONS (Continued)   | Item No. |
|---|----------|
| <p style="text-align: center;"><b>RETURNED SHIPMENTS</b></p> <p>Articles refused by consignee may be returned to original shippers at original point of shipment at one-half of the outbound rate current at time of return movement upon the following conditions only:</p> <p>(a) Goods for the return movement properly identified must be presented to the carrier within ten (10) days from the date that the outbound shipment was tendered to the carrier for transportation.</p> <p>(b) All charges must be prepaid or guaranteed. Shipping order for the return movement must show reference to original outbound shipment.</p> <p>(c) Goods must be returned over the lines of the carrier that transported the original outbound movement.</p> <p>NOTE:—The minimum charge specified in Item No. 90 series does not apply in connection with return movements made in accordance with the foregoing provisions of this item.</p>   | 120      |
| <p style="text-align: center;"><b>SPLIT DELIVERY</b></p> <p>Shipments which originate in Northern Territory, as defined in Item No. 80 series, may consist of several component parts delivered to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, subject to the following conditions and additional charges:</p> <p>(1) The composite shipment shall consist of not to exceed three component parts.</p> <p>(2) Charges shall be paid by the consignor when there is more than one consignee.</p> <p>(3) At the time of or prior to the tender of the composite shipment, the carrier shall have been furnished with written instructions showing the name of each consignee, the point or points of destination, and the kind and quantity of property in each component part.</p> <p>(4) The charge for the transportation of the composite shipment shall be the charge applicable for transportation of a single shipment of like kind and quantity of property, computed by applying the rate or rates for one-half the distance from point of origin to that same point via each of the points of destination.</p> <p>(5) In addition to the charge applicable for transportation of a single shipment of like kind and quantity of property, computed as set forth in paragraph 4, an additional charge of \$2.00 shall be made for each of the component parts comprising the composite shipment.</p> | 130      |
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SECTION NO. 1 - RULES AND REGULATIONS (Continued)

Item No.

COLLECT ON DELIVERY (C.O.D.) SHIPMENTS

(a) No carrier shall handle any C.O.D. shipment unless and until it has on file with the Commission a good and sufficient bond in such form as the Commission may deem proper, in a sum of not less than Two Thousand Dollars (\$2,000.00).

(b) The bond required by paragraph (a) hereof, shall be filed by the carrier as principal and by some solvent surety company, authorized to do business in the State of California, as surety, payable to the State of California, and/or any person or persons to whom any amount may be due on any C.O.D. shipment transported by said carrier and not remitted to the person or persons to whom it is due within ten (10) days after delivery of any such shipment; however, when the carrier has filed with any municipality or board thereof, pursuant to ordinance, a bond in a sum not less than Two Thousand Dollars (\$2,000.00), payable to said board or municipality and/or any person or persons to whom any amount may be due on any C.O.D. shipment transported by said carrier and not remitted to the person or persons to whom it is due within ten (10) days after delivery of any such shipment, the filing by such carrier of a certified copy of said bond with this Commission shall be deemed compliance herewith. Each bond filed pursuant to the foregoing shall specify the extent to which the carrier's operations are covered thereby and may cover more than one operative authority held by the same carrier. When a carrier with such a bond or bonds on file with the Commission obtains additional operative authority, said bond or bonds shall be revised or reissued to show whether or not the additional operative authority is covered thereby. No C.O.D. bond shall be canceled on less than thirty (30) days' notice to the Commission.

(c) In the handling of C.O.D. shipments carrier shall, promptly upon collection of any and all moneys, and in no event later than ten (10) days after delivery to consignee, unless consignor instructs otherwise in writing, remit to consignor all moneys collected by it on such shipments. 140

(d) The charges for collecting and remitting the amount of C.O.D. bills collected on C.O.D. shipments shall be as follows:

| When the amount collected is | Charge for collecting and remitting will be | When the amount collected is | Charge for collecting and remitting will be |
|------------------------------|---|------------------------------|---|
| Not over \$2.50              | —\$.24                                      | Over \$180.00                | not over \$200.00—\$1.19                    |
| Over \$2.50                  | not over \$5.00— .27                        | Over 200.00                  | not over 250.00—1.33                        |
| Over 5.00                    | not over 10.00— .37                         | Over 250.00                  | not over 300.00—1.53                        |
| Over 10.00                   | not over 20.00— .40                         | Over 300.00                  | not over 350.00—1.72                        |
| Over 20.00                   | not over 25.00— .43                         | Over 350.00                  | not over 400.00—1.93                        |
| Over 25.00                   | not over 40.00— .49                         | Over 400.00                  | not over 450.00—2.13                        |
| Over 40.00                   | not over 50.00— .53                         | Over 450.00                  | not over 500.00—2.33                        |
| Over 50.00                   | not over 60.00— .66                         | Over 500.00                  | not over 550.00—2.53                        |
| Over 60.00                   | not over 80.00— .69                         | Over 550.00                  | not over 600.00—2.72                        |
| Over 80.00                   | not over 100.00— .72                        | Over 600.00                  | not over 650.00—2.92                        |
| Over 100.00                  | not over 102.50— .91                        | Over 650.00                  | not over 700.00—3.12                        |
| Over 102.50                  | not over 105.00— .93                        | Over 700.00                  | not over 750.00—3.33                        |
| Over 105.00                  | not over 110.00— .97                        | Over 750.00                  | not over 800.00—3.53                        |
| Over 110.00                  | not over 120.00—1.00                        | Over 800.00                  | not over 850.00—3.72                        |
| Over 120.00                  | not over 140.00—1.02                        | Over 850.00                  | not over 900.00—3.92                        |
| Over 140.00                  | not over 150.00—1.06                        | Over 900.00                  | not over 950.00—4.12                        |
| Over 150.00                  | not over 160.00—1.13                        | Over 950.00                  | not over 1,000.00—4.32                      |
| Over 160.00                  | not over 180.00—1.15                        | Over 1,000.00                | at rate of \$.32 per \$100.00               |

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| SECTION NO. 1 - RULES AND REGULATIONS (Continued)   | Item No. |
|---|----------|
| <p style="text-align: center;"><b>ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</b></p> <p>Common carrier rates, except rates of coastwise common carriers by vessel, may be applied in lieu of the rates provided in this tariff when such common carrier rates produce a lower aggregate charge for the same transportation between the same points of origin and destination, and for the same accessorial services, than results from the application of the rates herein provided. (See Notes 1 and 2.)</p> <p>NOTE 1.—When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item.</p> <p>NOTE 2.—Common carrier rates may be applied for the transportation of bulk cement only when bulk cement facilities for loading and unloading motor vehicles are available at the points to which and from which the common carrier rates apply.</p>   | 150      |
| <p style="text-align: center;"><b>ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES</b></p> <p>When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates, except rates of coastwise common carriers by vessel, for the same transportation as follows:</p> <p>(a) When point of origin is located beyond railhead and point of destination is located at railhead, add to the common carrier rate applying from any railhead to point of destination the rate provided in this tariff for the distance from point of origin to the railhead from which the common carrier rate applies. (See Notes 1, 2 and 3.)</p> <p>(b) When point of origin is located at railhead and point of destination is located beyond railhead, add to the common carrier rate applying from point of origin to any railhead the rate provided in this tariff for the distance from the railhead to which the common carrier rate used applies to point of destination. (See Notes 1, 2 and 3.)</p> <p>(c) When both point of origin and point of destination are located beyond railhead, add to the common carrier rate applying between any railheads the rate provided in this tariff for the distance from point of origin to railhead from which the common carrier rate used applies, plus the rate provided in this tariff for the distance from the railhead to which the common carrier rate used applies to point of destination. (See Notes 1, 2 and 3.)</p> <p>NOTE 1.—If the route from point of origin to the railhead, or from the railhead to point of destination, is within the corporate limits of a single incorporated city, the rates provided in this tariff for transportation for distances of 3 miles or less shall apply from point of origin to the railhead or from the railhead to point of destination as the case may be.</p> <p><u>EXCEPTION.</u>—If the route is between Los Angeles zones described in Item No. 30 series of Distance Table No. 3, the provisions of this Note do not apply.</p> <p>NOTE 2.—When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item.</p> <p>NOTE 3.—Common carrier rates may be applied for the transportation of bulk cement in combination with rates provided in this tariff only when bulk cement facilities for loading and unloading motor vehicles are available at the points to which and from which the common carrier rates apply.</p> | 160      |
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| SECTION NO. 1 - RULES AND REGULATIONS (Concluded)   | Item No. |
|---|----------|
| <p style="text-align: center;"><b>ACCESSORIAL SERVICES NOT INCLUDED IN COMMON CARRIER RATES</b></p> <p>When a common carrier rate is applied in lieu of or in combination with rates provided in this tariff, and the common carrier rate does not include accessorial services as performed by carrier, the following charges shall be made for such services:</p> <ol style="list-style-type: none"> <li>1. For unloading of shipments, in packages, at a point of destination to which the common carrier rate applies, <math>1\frac{1}{2}</math> cents per 100 pounds.</li> <li>2. For accessorial services for which charges are provided in this tariff, the additional charge or charges so provided.</li> <li>3. For other accessorial services for which charges are not otherwise provided in this tariff, the charges set forth in Item No. 100 series.</li> </ol>   | 170      |
| <p style="text-align: center;"><b>ISSUANCE OF SHIPPING DOCUMENTS</b></p> <p>A shipping document (either in individual or manifest form) shall be issued by the carrier to the shipper for each shipment received for transportation. The shipping document shall show the following information:</p> <ol style="list-style-type: none"> <li>(a) Name of shipper.</li> <li>(b) Name of consignee.</li> <li>(c) Point of origin.</li> <li>(d) Point of destination.</li> <li>(e) Description of the shipment (in terms of the Western Classification or Exception Sheet or as provided in this tariff).</li> <li>(f) Weight of the shipment (or other factor or measurement upon which charges are based).</li> <li>(g) Rate and charge assessed.</li> <li>(h) Whether point of origin and/or point of destination is located at railhead and such other information as may be necessary to an accurate determination of the applicable minimum rate and charge.</li> </ol> <p>The form of shipping document in Section No. 3 will be suitable and proper.</p> <p>A copy of each shipping document shall be retained and preserved by the issuing carrier, subject to the Commission's inspection, for a period of not less than three years from the date of its issuance.</p> | 180      |
| <p style="text-align: center;"><b>UNITS OF MEASUREMENT IN QUOTATION OF RATES AND CHARGES</b></p> <p>Rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.</p>   | 190      |
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SECTION NO. 2

DISTANCE RATES

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| SECTION NO. 2 - RATES IN CENTS PER 100 POUNDS   |              |                    |       |                           |              | Item No.  |    |
|---|--------------|--------------------|-------|---------------------------|--------------|---|----|
| FROM <sup>(1)</sup>   |              | TO                 |       | Apply Rate Below in Scale |              |   |    |
| Southern Territory  |              | Southern Territory |       | A                         |              | 200   |    |
|   |              | Northern Territory |       | A                         |              |   |    |
| Northern Territory  |              | Southern Territory |       | B                         |              |   |    |
|   |              | Northern Territory |       | B                         |              |   |    |
| MILES   |              | RATES              |       | MILES                     |              | RATES   |    |
| Over  | But not over | Scale              |       | Over                      | But not over | Scale   |    |
|   |              | A                  | B     |                           |              | A   | B  |
| 0   | 3            | 2-3/4              | 3     | 180                       | 190          | 22  | 23 |
| 3   | 5            | 3                  | 3 1/2 | 190                       | 200          | 23  | 24 |
| 5   | 10           | 3 1/2              | 3 3/4 | 200                       | 220          | 25  | 25 |
| 10  | 15           | 3 3/4              | 3-3/4 | 220                       | 240          | 26  | 26 |
| 15  | 20           | 4                  | 4 1/2 | 240                       | 260          | 28  | 28 |
| 20  | 25           | 4 1/2              | 5     | 260                       | 280          | 29  | 29 |
| 25  | 30           | 5                  | 5 1/2 | 280                       | 300          | 30  | 30 |
| 30  | 35           | 5 1/2              | 6     | 300                       | 325          | 32  | 32 |
| 35  | 40           | 6                  | 6-3/4 | 325                       | 350          | 34  | 34 |
| 40  | 45           | 6 1/2              | 7 1/2 | 350                       | 375          | 36  | 36 |
| 45  | 50           | 7                  | 8     | 375                       | 400          | 39  | 39 |
| 50  | 60           | 8                  | 9     | 400                       | 425          | 41  | 41 |
| 60  | 70           | 9                  | 10    | 425                       | 450          | 43  | 43 |
| 70  | 80           | 10                 | 11    | 450                       | 475          | 46  | 46 |
| 80  | 90           | 11                 | 12    | 475                       | 500          | 48  | 48 |
| 90  | 100          | 12                 | 13    | 500                       | 525          | 50  | 50 |
| 100   | 110          | 13                 | 14    | 525                       | 550          | 53  | 53 |
| 110   | 120          | 14                 | 15    | 550                       | 575          | 55  | 55 |
| 120   | 130          | 15                 | 16    | 575                       | 600          | 57  | 57 |
| 130   | 140          | 16                 | 17    | 600                       | ---          | Add to rate for 600 miles 2 cents per 100 pounds for each 25 miles or fraction thereof. |    |
| 140   | 150          | 17                 | 18    |                           |              |   |    |
| 150   | 160          | 18                 | 19    |                           |              |   |    |
| 160   | 170          | 20                 | 21    |                           |              |   |    |
| 170   | 180          | 21                 | 22    |                           |              |   |    |
| (1) For Territorial Descriptions, see Item No. 80 series.   |              |                    |       |                           |              |   |    |
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SECTION NO. 3

FORM OF SHIPPING DOCUMENT  
TO WHICH REFERENCE IS MADE IN  
ITEM NO. 220 SERIES

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SECTION NO. 3

Item No. 210

FORM OF SHIPPING DOCUMENT

SHIPPING ORDER AND FREIGHT BILL

Bill No. -----

Permit No. -----

Date -----, 19--

Name of Carrier -----  
(Name of carrier must be same as shown on permit)

Point of Origin ----- Point of Destination -----  
Shipper ----- Consignee -----  
Street Address ----- Street Address -----  
City ----- City -----

| No. of Packages | Sacked or In Bulk | Description of Commodities | Weight | Rate | Charges |
|-----------------|-------------------|----------------------------|--------|------|---------|
|                 |                   |                            |        |      |         |

|   |            |          |             |          |                  |  |
|---|------------|----------|-------------|----------|------------------|--|
| Shipper-----<br>By-----<br>(Show name in full)          | Check here |          |             |          | C.O.D.           |  |
|   | Origin     |          | Destination |          |                  |  |
| Received by Carrier in good condition except as noted   | At         | Off      | At          | Off      | C.O.D. Fee       |  |
|   | Railhead   | Railhead | Railhead    | Railhead |                  |  |
| By-----<br>(Driver (Show name in full))                 |            |          |             |          | Advances         |  |
|   |            |          |             |          | Other            |  |
|   |            |          |             |          | Charges          |  |
| Received by Consignee in good condition except as noted |            |          |             |          | Prepaid          |  |
|   |            |          |             |          |                  |  |
| By-----<br>(Show name in full)                          |            |          |             |          | Total to Collect |  |
|   |            |          |             |          |                  |  |
| Show each charge separately and what it represents      |            |          |             |          |                  |  |

END OF TARIFF

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